

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE BOARD OF VETERINARY MEDICINE

In the Matter of Daniel Kamen, D.C.

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND  
RECOMMENDATION**

This matter came on for hearing before Administrative Law Judge Kathleen D. Sheehy on May 30, 2003.

Susan E. Damon, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, MN 55101-2131, appeared for the Board of Veterinary Medicine Complaint Review Committee.

Daniel Kamen, D.C., 1121 Highland Grove Drive, Buffalo Grove, IL 60089, did not appear for the hearing, nor did counsel appear for him.

This report is a recommendation, not a final decision. The Minnesota Board of Veterinary Medicine Complaint Review Committee will make the final decision after a review of the record and may adopt, reject or modify these Findings of Fact, Conclusions, and Recommendation. Under Minn. Stat. § 14.61, the Complaint Review Committee shall not make a final decision until this report has been made available to the parties for at least ten days. The parties may file exceptions to this report, and the Complaint Review Committee must consider the exceptions in making a final decision. Parties should contact Susan E. Damon at the address above to learn the procedure for filing exceptions or presenting argument.

**STATEMENT OF ISSUES**

1. Did Daniel Kamen threaten to engage in the practice of veterinary medicine in Minnesota without a license in violation of Minn. Stat. § 156.10?
2. Did Daniel Kamen hold himself out as an animal chiropractor in violation of Minn. Stat. § 156.12, subd. 4?

Based upon all the proceedings herein, the Administrative Law Judge makes the following:

**FINDINGS OF FACT**

1. Daniel Kamen is a chiropractor who resides in Buffalo Grove, Illinois. He operates a business called Animal Chiropractic Seminars, L.L.C.

2. In March 2003 Kamen began distributing advertisements in Minnesota for an Equine Chiropractic Seminar, to be held on April 12 and 13, 2003, at Diamond D. Quarter Horses, 1921 Chester Road SE, Chester, Minnesota.<sup>[1]</sup> In his advertisements Kamen described himself as a "Certified Animal Chiropractor." The advertisement for the seminar describes a "hands-on" chiropractic adjusting clinic, in which participants "learn how to adjust horses step-by-step (evaluation and methods)." One advertisement further represented that Kamen would teach "[e]ffective methods for neck, back, hip, and shoulder pain."<sup>[2]</sup>

3. The advertisements came to the attention of the Board of Veterinary Medicine Complaint Review Committee. On April 7, 2003, the Complaint Review Committee issued a Cease and Desist Order and Notice of Right to Hearing, ordering Kamen to cease and desist from engaging in any act that constitutes the practice of veterinary medicine, including, but not limited to, diagnosing and/or performing chiropractic on horses and holding himself out as an "animal chiropractor."<sup>[3]</sup> The Order further notified Kamen that, pursuant to Minn. Stat. § 156.15, he could request a hearing to take place within 30 days by making a written request for hearing within 30 days of service of the Cease and Desist Order.<sup>[4]</sup>

4. The Cease and Desist Order was personally served on Kamen on April 12, 2003 at Diamond D. Quarter Horses, 1921 Chester Road SE, Chester, Minnesota, the location of the equine chiropractic seminar.<sup>[5]</sup>

5. Kamen made a written request for hearing that the Complaint Review Committee received on May 1, 2003.

6. On May 9, 2003, the Complaint Review Committee issued a Notice of and Order for Prehearing Conference and Hearing, which was served on Kamen by first-class and by certified mail.

7. The Notice of and Order for Prehearing Conference and Hearing stated in part as follows:

If Respondent fails to appear without the prior consent of the Administrative Law Judge at the prehearing conference in this matter, Respondent shall be deemed in default and the allegations or issues set forth herein and in the Cease and Desist Order may be taken as true or deemed proved without further evidence, and the Board may issue a further order making permanent the Cease and Desist Order.<sup>[6]</sup>

8. On May 19, 2003, Kamen failed to appear at the prehearing conference. He did not contact the Administrative Law Judge to attempt to reschedule the prehearing conference.

9. The Complaint Review Committee served Kamen by U.S. mail with a copy of a written motion for a default order on May 20, 2003.<sup>[7]</sup> Kamen has not responded to the motion for a default order.

10. Kamen failed to appear at the hearing on May 30, 2003.

11. Kamen is in default in this matter. Pursuant to Minn. R. 1400.6000, the allegations contained in the Notice of and Order for Hearing and in the Cease and Desist Order are taken as true and are deemed proved without further evidence. The allegations are hereby incorporated into these Findings of Fact.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

### **CONCLUSIONS OF LAW**

1. The Complaint Review Committee of the Board of Veterinary Medicine and the Administrative Law Judge have jurisdiction in this matter pursuant to Minn. Stat. §§ 14.50 and 156.15.

2. The Complaint Review Committee has given proper notice of the prehearing conference and hearing in this matter and has fulfilled all relevant substantive and procedural requirements of law and rule.

3. The facts set out in the Notice of and Order for Prehearing Conference and Hearing constitute violations of Minn. Stat. §§ 156.10 and 156.12, subd. 4, which prohibit the practice of veterinary medicine without a license and prohibit any person who has not received a professional degree from an accredited or approved college of veterinary medicine from using the title or designation of "animal chiropractor."

4. Kamen's violations of the statute constitute grounds for the Complaint Review Committee to make the Cease and Desist Order permanent.

Based upon the foregoing Conclusions of Law, the Administrative Law Judge makes the following:

### **RECOMMENDATION**

IT IS HEREBY RECOMMENDED that the Complaint Review Committee make permanent the Cease and Desist Order against Daniel Kamen.

Dated this 30th day of May, 2003.

S/Kathleen D. Sheehy  
KATHLEEN D. SHEEHY  
Administrative Law Judge

Reported: Default

### NOTICE

Pursuant to Minn. Stat. § 14.62, subd. 1, the Complaint Review Committee is required to serve its final decision upon each party and the Administrative Law Judge by first class mail.

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<sup>[1]</sup> Notice of and Order for Prehearing Conference and Hearing ¶ A6.

<sup>[2]</sup> *Id.* ¶¶ A7-9.

<sup>[3]</sup> *Id.* ¶ A12.

<sup>[4]</sup> *Id.* ¶ A12.

<sup>[5]</sup> *Id.* at ¶ A13.

<sup>[6]</sup> *Id.* at ¶ D1.

<sup>[7]</sup> In connection with its motion for a default order, the Complaint Review Committee also submitted Kamen's responses to Requests for Admissions, which indicate that in January 2003 the Board of Veterinary Medical Examiners in the State of Oklahoma issued a cease and desist letter to him based on his equine chiropractic seminars. He has also been enjoined by a district court in Washoe County, Nevada; cited and fined \$5,000 by the Arkansas Veterinary Board; and ordered to cease and desist from the unlicensed practice of veterinary medicine in the states of Washington and Louisiana. See Responses to Request for Admissions.